

C. REMARKS**1. Amendments to the Claims**

Claims 1-7 have been cancelled (Claims 4 and 5 having previously been withdrawn pursuant to a restriction).

Claims 8-15 are new. Independent Claim 8 generally corresponds to cancelled Claim 3 rewritten in independent form, but edited and reformatted for enhanced clarity, and to remove unnecessarily restrictive terminology (e.g., substituting “comprising” for “consisting of”). Indefinite wording in Claims 1 and 3 (specifically, “wood or plastic”; “usually forming a quadrangular shape”; and “cord or wire”) has been eliminated by reciting corresponding limitations in dependent Claims 9-13. The “coil spring” recited in Claim 3 is recited in Claim 8 as “tensioning means” (as it is implicitly clear from the filed specification that this is the function of the coil spring), and “coil spring” is now expressly recited in dependent Claim 14. Dependent Claim 15 generally corresponds to cancelled Claim 6, edited and reformatted for enhanced clarity.

2. Claim Rejections for Indefiniteness under 35 USC § 112

In the non-final action dated September 30, 2008 (“the NFA”), the Examiner rejected Claim 1 for indefiniteness – specifically, for the apparent contradiction between the recitation of a bolt attaching the plates to the post frame and the further limitation of “vacuum as the sole means [of] attaching the plates to the post frame”. Applicant submits that this issue has been satisfactorily addressed in new independent Claim 8.

3. Claim Rejections for Obviousness under 35 USC § 103

In the NFA, the Examiner rejected Claims 1, 2, 6, and 7 for obviousness having regard to various cited references, but also indicated that Claim 3 would be allowable if rewritten in independent form. In response to this rejection, Claims 1, 2, 3, 6, and 7 have been cancelled, and new Claims 8-15 have been added. As noted under paragraph C.1 above, new Claim 8 corresponds to Claim 3 in independent form. Accordingly, Applicant respectfully submits that

Claim 8 is allowable in view of the examiner's indication of allowable subject matter in the NFA. As new Claims 9-15 depend from Claim 8, Applicant further submits that Claim 9-15 are allowable as well.

4. **No New Matter**

It is submitted that the current amendments introduce no new matter into the application. All subject matter contained in the application, as currently amended, was expressly described in or is reasonably inferable from the originally-filed specification, claims, abstract, and/or drawings.

5. **Amendments Made Without Prejudice**

The current amendments are made without prejudice to Applicant's right to pursue, by way of one or more continuing applications, protection for subject matter cancelled by virtue of the current amendments.

D. CONCLUDING REMARKS

Applicant respectfully submits that the amendments and remarks presented herein have fully addressed all issues raised in the non-final action dated March 20, 2008, and that the application will be in condition for allowance upon entry of the amendments. Accordingly, Applicant requests timely issuance of a Notice of Allowance.

Respectfully submitted on behalf of the
Applicant, Wallace E. Fleming,
by his agent:



Donald V. Tomkins
Registration No. 48,206
Customer No. 31209

c/o TOMKINS LAW OFFICE
Suite 740, 10150 - 100 Street
Edmonton, Alberta, CANADA
T5J 0P6

Telephone: (780) 424-2200

Facsimile: (780) 424-2205

E-mail: dtomkins@tomkinslaw.ca